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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
09/038,983	03/12/98	WAKAI	M	35.C12644

TM02/0411
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EXAMINER	
OPIE,G	
ART UNIT	**PAPER NUMBER**
2151	8

DATE MAILED: 04/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

PTO-90C (Rev.11/00)

1- File Copy

Office Action Summary	Application No. 09/038,983	Applicant(s) Wakai et al.	
	Examiner George L. Opie	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

1) X Responsive to communication(s) filed on 7 February 2001 .

2a) X This action is **FINAL**. 2b) ___ This action is non-final.

3) ___ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) X Claim(s) 1-14, 16-27, 29-57, 59-70, and 72-87 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) ___ Claim(s) ____ is/are allowed.

6) X Claim(s) 1-14, 16-27, 29-57, 59-70, and 72-87 is/are rejected.

7) ___ Claim(s) ____ is/are objected to.

8) ___ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

9) ___ The specification is objected to by the Examiner.

10) ___ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ___ The proposed drawing correction filed on _____ is: a) ___ approved b) ___ disapproved.

12) ___ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)_ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ___ All b) ___ Some * c) ___ None of the CERTIFIED copies of the priority documents have been:

1. ___ received.
2. ___ received in Application No. (Series Code / Serial Number) ____.
3. ___ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ___ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

14) X Notice of References Cited (PTO-892)
15) ___ Notice of Draftsperson's Patent Drawing Review (PTO-948)
16) ___ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _.
17) ___ Interview Summary (PTO-413) Paper No(s). _____.
18) ___ Notice of Informal Patent Application (PTO-152)
19) ___ Other: .

DETAILED ACTION

This office action is responsive to Applicant's Amendment A.

1. **Request for copy of Applicant's response on floppy disk:**
Please help expedite the prosecution of this application by including, along with your amendment response in paper form, an electronic file copy in WordPerfect, Microsoft Word, or in ASCII text format on a 3½ inch IBM format floppy disk. Please include all pending claims along with your responsive remarks. Only the paper copy will be entered -- your floppy disk file will be considered a duplicate copy. Signatures are not required on the disk copy. The floppy disk copy is not mandatory; however, it will help expedite the processing of your application. Your cooperation is appreciated.

2. Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-8, 11-14, 19-27, 29-30, 39-41, 44-51, 54-7, 62-70, 72-3, 82-4 and 87 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Admitted Prior Art (Application background, p1-4, hereinafter referred to as APA) in view of Moran et al. (U.S. Patent 5,786,814).

As to claims 1-8, 11-14, 19-27, 29-30, 39-41, 44-51, 54-7, 62-70, 72-3, 82-4 and 87, the APA teaches an information processing apparatus (personal computer) first processing means (PC ... handles electronic information) storage means for hysteresis data for the first processing operation (data 24 can be stored in the server) data selection means (word processor ... data .. operations) process selection means (operation can be re-performed) second processing means (server 25) output means (printer 21) storing associated information and an operation that was performed as hysteresis data (Fig. 1A, with an editing application ... hysteresis data for operations ... can be stored) operation entry means manipulated by a user (operations ... performed by a user) and storing the hysteresis data (address information) in correlation with an object (home page) in a process (server) other than a process performed by the processing

means (PC) and an instruction to another apparatus to print (data are printed via a server 25).
The APA does not explicitly disclose the additional limitations detailed below. Moran teaches analyzation means (analyzed to identify events, p15 l43-47) reception means for receiving an instruction from a user (user interface for controlling playback of temporal data, p4 l43-56) detection means (getType, p8 l13).
Also, Moran teaches a "history list ... is timestamped and is associated with an object", p25 l26-38 which corresponds to the associated information includes: information concerning time for execution, a location for execution, an apparatus for execution, and an object for execution.
Moran further teaches designation means (control events, p30 l12-49) determines the storage for each operation/object (off record ... on record, Id.).
Additionally, Moran teaches control means (session access device, p5 l6-24 based on the hysteresis data (utilizes event information, Id.) reperformance or cancellation of the process (playback ... or a deletion event, Id.) and a plurality of function units (Capture Devices, p7 l50) acquisition means ((calls to Session objects, p8 ln26) with display of the hysteresis data (stored data).
It would have been obvious to combine Moran's teachings with the APA because the event replay system as taught by Moran facilitates the correlative control of data/operations which would enable an efficacious duplication of selected information/processing, Moran p5 l6-24.

As to claims 20 and 31, "Official Notice" is taken that an object includes information of the recited types is well known in the art (MPEP2144.03). It would have been obvious to equip the object with the capacity to contain/convey data from a variety of sources because the degree to which an object handles information dictates the functionality of that object; thus, it would have been obvious to combine this extensive characteristic object data with the system of the APA as modified by Moran in order that the users might enjoy the most extensible use of hysteresis data to enhance a wide range of application environments.

As to claim 25, "Official Notice" is taken that processes of the recited types are well known in the art (MPEP2144.03). It would have been obvious to incorporate the stipulated processes in the hysteresis system of the APA as modified by Moran because the recited functions are fundamentals requisite for basic computing operations.

As to claims 44-51, 54-7, 62-70, 72-3, 82-4, note the rejections of claims 1-8, 11-14, 19-27, 29-30, 39-41 above. Claims 44-51, 54-7, 62-70, 72-3, 82-4 are the same as claims 1-8, 11-14, 19-27, 29-30, 39-41, except claims 44-51, 54-7, 62-

70, 72-3, 82-4 are method claims and claims 1-8, 11-14, 19-27, 29-30, 39-41 are apparatus claims.

As to claim 87, note the rejection of claim 1 above. Claim 87 is the same as claim 1, except claim 87 is a computer program product claim and claim 1 is an apparatus claim.

4. Claims 9-10 and 52-3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the APA and Moran et al. as applied to claims 3 and 44 respectively, and further in view of Fukui et al. (U.S. Patent 5,918,222).

As to claims 9-10, Fukui teaches "a function of permitting to record and reproduce information transmitted by a user in an interactive operation with the apparatus", p11 l32-39 which corresponds to the associated information includes information concerning a person relative to an operation. Fukui continues by detailing that a "user demand is stored in a user history information table, and the same response form is employed when the same user accesses the agent in the same environment", p22 l19-33 which reads-on a person who has issued an instruction or has performed an operation.
It would have been obvious to combine the teachings of Fukui with the APA as modified by Moran because the correlating of a user with data processes provides a security control as well as an enhanced customized repeat/response system which suits a user's operations.

As to claims 52-3, note the rejections of claims 9-10 above. Claims 52-3 are the same as claims 9-10, except claims 52-3 are method claims and claims 9-10 are apparatus claims.

5. Claims 16-18 and 59-61 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the APA and Moran et al. as applied to claims 3 and 46 respectively, and further in view of Barrett et al. (U.S. Patent 5,727,129).

As to claims 16-18, Barrett teaches "steps 28 and 32 review a history of past activities to identify associations and sequential patterns between accessed Web pages", which corresponds to the recitations regarding the associated hysteresis data and the concomitant correlative series of operations. It would have been obvious to combine Barrett's teachings with the APA as modified by Moran because the intelligent browser layer which provides pattern review produces a system such that "the user can more efficiently perform subsequent activities", Barrett p6 l6-15.

As to claims 59-61, note the rejections of claims 16-18 above. Claims 59-61 are the same as claims 16-18, except claims 59-61 are method claims and claims 16-18 are apparatus claims.

6. Claims 32-8 & 42-3 and 75-81 & 85-6 are rejected under 35 USC §103(a) as being unpatentable over the APA and Moran et al. as applied to claims 1 and 44 respectively, and further in view of Bristor (U.S. Patent 6,018,342).

As to claims 32-38 and 42-43, Bristor teaches the storage of hysteresis data (history database, p7 l27-47) in correlation with an object (user data, Id.) to be processed by the second processing means ("http://www.uspto.gov", p8 l56 – p9 l15) including a search for hysteresis data (recalls and regenerates the user data, p6 l27-45)and display of a list of hysteresis data that are searched (menu whose items are ... displayed, Id.) and a process for selecting specific hysteresis data (user then selects the previously generated user data, Id.) from the list of hysteresis data (list of descriptions, Id.) which includes re-performance of an operation (regenerate the previously generated c-shell command, Id.) corresponding to selected hysteresis data (actuating a virtual button associated, Id.) and the hysteresis data (information) includes the object (ls) to be input or to be processed (c-shell command). From Bristor's teachings, it would have been an obvious modification to perform an operation that differs from the selected hysteresis data as users frequently alter the commands out of history lists. It would have been obvious to combine the history menu mechanism as taught by Bristor with the APA as modified because the search and display features enable a user to efficiently regenerate operations.

As to claims 75-81 & 85-6, note the rejections of claims 32-8 & 42-3 above. Claims 75-81 & 85-6 are the same as claims 32-8 & 42-3, except claims 75-81 & 85-6 are method claims and claims 32-8 & 42-3 are apparatus claims.

7. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure. Each reference disclosed below is relevant to one or more of the Applicant's claimed invention.
"UNIX Shell Programming", Kochan et al., Hayden Books, 1990, p333-347.

8. Response to Applicant's Arguments:

Applicant argues (claims 1, 44, and 87) that the APA as combined with Moran does not teach the limitations of data selection, processing selection, and

second processing means. Contrary to Applicant's contention, the APA and Moran's teachings do meet the recited input, first processing, storage, selection and second processing means as broadly claimed. The APA describes systems that provide the functionality of executing an operation (a first processing) and selectively referring back to the operation data (selection of data and processing) then reaccessing the data for desired operations (second processing step). The Moran reference clearly teaches editing history data for modified reexecution. Accordingly, the cited art does meet the aforementioned limitations as set forth in the above rejection of the independent claims.

The scope of the claimed "data selection", "processing selection", and "second processing" clearly transcends the more narrow scope that Applicant attempts to impute through argument. Claimed subject matter, not the specification is the measure of the invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art, In re Self, 213 USPQ 1,5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978). The aforementioned claim elements are clearly subject to a broad interpretation, as detailed in the rejections maintained above. The Examiner has a *duty* and *responsibility* to the public and to Applicant to interpret the claims *as broadly as reasonably possible* during prosecution (see *In re Prater, 56 CCPA 1381, 415F.2d 1393, 162 USPQ 541 (1969)*).

In addition to the APA and Moran's teachings, the "UNIX Shell Programming" reference has been provided to show that the shell command history feature would similarly meet the claimed limitations. The breadth of the claims are such that the UNIX command history management and remote shell execution would read-on the first processing, storage, data selection, processing selection, and second processing as broadly claimed. The shell command history mechanism enables a user to recall past data, then selectively edit the data, and reexecute the altered data as desired. Hence, the basic shell command history provides teachings that meet the claimed limitations as presently presented.

Applicant's arguments have been fully considered but they are not deemed to be persuasive.

9. THIS ACTION IS MADE FINAL.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE

THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. □ 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Opie at (703) 308-9120 or via e-mail at *George.Opie@uspto.gov*. Internet e-mail should not be used where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the applicant. Sensitive data includes confidential information related to patent applications.

ALVIN E. OBERLEY
SUPERVISORY PATENT EXAMINER
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